

RECEIVED
CENTRAL FAX CENTER**JUN 12 2008****Application Serial No.: 09/986,622**
Attorney Docket No.: 09877.0189-00**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the amendments and remarks included herein. Prior to this response, claims 34-37, 40-45, and 51 were pending in the application, of which claims 34 and 51 were independent. In the Office Action dated March 18, 2008, claims 34-37, 40-45 and 51 were rejected under 35 U.S.C. § 103(a). In this Amendment, claims 34-37 and 40-45 will be canceled without prejudice or preamble, and claim 51 remains pending. In addition, new claims 52-69 are presented.

I. Objection to the Drawings

The Examiner objected to the drawings because certain reference numerals used in Figure 10 are used in other drawings to refer to different parts than in Figure 10. In this Amendment After Final, Applicants present a Replacement Sheet including a Replacement Figure 10, which corrects the re-use of reference numerals.

II. Amendments to the Specification

Applicants propose amending the specification to include the reference numerals used in Replacement Figure 10. Applicants respectfully assert that this amendment adds no new matter.

III. Rejection of the Claims Under 35 U.S.C. § 103

In the March 18th Office Action, the Examiner rejected claim 51 under 35 U.S.C. § 103 as being obvious over U.S. Patent Application No. 2002/0029591 ("Dickinson") (or U.S. Patent No. 5,284,499 ("Harvey") in view of JP 08091862 ("Kazuya"), U.S. Patent No. 5,160,359 ("Strackenbrock"), U.S. Patent No. 4,988,374 ("Harding"), and

Application Serial No.: 09/986,622
Attorney Docket No.: 09877.0189-00

U.S. Patent No. 4,547,644 ("Bair"), and optionally in view of U.S. Patent No. 4,030,901 ("Kaiser"). Claim 51 recites, among other things,

a distributor body having a substantially annular distribution chamber, a distribution ring, and an outlet in fluid communication with an interior of the muffle...the distribution ring being adapted to uniformly introduce and forcibly direct a first portion of the conditioning gas into the muffle in a downward direction towards said furnace body and to direct a second portion of the conditioning gas to an upper portion of the substantially annular distribution chamber to create a buffer of conditioning gas having a pressure higher than a pressure outside the drawing furnace.

In the March 18th Office Action, the Examiner apparently asserts that Harding is inherently capable of meeting this recitation, "depending upon the operating conditions being used." OA at 5. However, the Examiner does not explain how Harding's disclosure inherently discloses this recitation. The Examiner asserts that Harding's manifold 14 is an annular distribution chamber and that the "ring on which Harding's 14 rests" is a distribution ring. The "ring" of Harding includes downwardly angled "entry ports 13 which are inclined toward the axis of the preform 6 and inject inert gas (argon) into the space 5 in the direction of arrows A." Harding at 2:62-65. As illustrated in Harding's Figure 1, the arrows A extend only in the downward direction.

The Examiner has pointed to nothing in Harding demonstrating that Harding's "ring" is adapted "to direct a second portion of the conditioning gas to an upper portion of the substantially annular distribution chamber to create a buffer of conditioning gas having a pressure higher than a pressure outside the drawing furnace," as recited in claim 51. Further, while the Examiner asserts that Harding is inherently capable of meeting the above-quoted recitation of claim 51 under certain operating conditions, he does not explain what these operating conditions are, nor does he explain how or why

Application Serial No.: 09/986,622
Attorney Docket No.: 09877.0189-00

one of ordinary skill in the art would understand Harding's "ring" to be adapted to "direct a second portion of the conditioning gas to an upper portion of the substantially annular distribution chamber to create a buffer of conditioning gas having a pressure higher than a pressure outside the drawing furnace." Without evidence of these operating conditions, a *prima facie* case of obviousness has not been established. See MPEP 2144.02 ("When an examiner relies on a scientific theory [or logic]" in making an obviousness rejection, "evidentiary support for the existence and meaning of that theory must be provided."). Furthermore, given that Harding shows that gas is introduced to space 5 in only a downward direction, one of ordinary skill in the art would not understand Harding to teach or suggest introducing a second portion of the gas to an upper portion of the distribution chamber.

Additionally, the Examiner has pointed to nothing in the other references of record overcoming this deficiency of Harding. Accordingly, because the cited combination fails to teach or suggest at least this disclosure of claim 51, a *prima facie* case of obviousness has not been established. Applicants therefore respectfully request that the rejection of claim 51 be withdrawn.

IV. New Claims

In this Amendment, new dependent claims 52-60 are presented. Claims 52-60 correspond to claims 35-37 and 40-45, which have been canceled in this Amendment. At least because claims 52-60 depend from claim 51, Applicants respectfully assert that they are in condition for allowance.

Application Serial No.: 09/986,622
Attorney Docket No.: 09877.0189-00

New independent claim 61 is also presented in this Amendment. Applicant respectfully submits that this claim presents no new matter and is supported in the specification at least at page 31, lines 7-19. Claim 61 recites, among other things,

a distributor body having a substantially annular distribution chamber...the distributor body including (i) at least one downwardly angled channel operable to forcedly direct a first portion of the conditioning gas into the muffle in a downward direction towards said furnace body and (ii) at least one upwardly angled path operable to direct a second portion of the conditioning gas to an upper portion of the substantially annular distribution chamber to create a buffer of conditioning gas having a pressure higher than a pressure outside the drawing furnace.

For similar reasons discussed above with respect to claim 51, the Examiner has pointed to nothing in the art of record disclosing the above-quoted recitation of claim 61. In particular, Harding does not disclose "at least one upwardly angled path operable to direct a second portion of the conditioning gas to an upper portion of the substantially annular distribution chamber to create a buffer of conditioning gas having a pressure higher than a pressure outside the drawing furnace." Instead, Harding discloses only downwardly angled "entry ports 13 which are inclined toward the axis of the preform 6 and inject inert gas (argon) into the space 5 in the direction of arrows A." Harding at 2:62-65. As illustrated in Harding's Figure 1, the arrows A extend only in the downward direction. Thus, Harding does not disclose at least the above-quoted recitation of claim 61, nor has the Examiner pointed to any other prior art disclosure of this feature. Accordingly, Applicants respectfully request that claim 61 is in condition for allowance.

In this Amendment, Applicants also present new claims 62-69, which depend from claim 61. Applicants respectfully submit that these claims present no new matter.

RECEIVED
CENTRAL FAX CENTER
JUN 12 2008

Application Serial No.: 09/986,622
Attorney Docket No.: 09877.0189-00

For at least the reasons discussed above with respect to claim 61, Applicants respectfully assert that claim 61 is in condition for allowance.

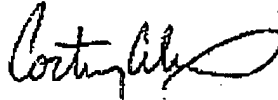
V. Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

If there are any fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should be charged to our deposit account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



Dated: June 12, 2008

By: _____

Cortney Alexander
Reg. No. 54,778
(404) 653-6409